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Dated: 9/25/03 Signature: Judy Bridgewater
(Judy Bridgewater)

Docket No.: 280502000200
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chaim M. ROIFMAN, et al.

Application No.: 09/936,887

Filed: September 11, 2001

For: METHODS AND COMPOSITIONS FOR
TREATING LEUKEMIA

Group Art Unit: 1626

Examiner: K. Saeed

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This submission is in response to the restriction requirement set forth in the Office Action mailed July 31, 2003, setting a time to expire on August 31, 2003. As this response is filed on September 25, 2003, a petition for an extension of time of one month is required. Accordingly, this response is considered timely filed.

Applicants hereby provisionally elect Group I, claims 1-22 for continued examination, with traverse.

The requirement is respectfully traversed as follows: Group VI (claims 23-36) should be recombined with Groups I-V as these Groups are related as product and process of use.

In line with this traversal, the Office has indicated that "[t]he methods of use claims will be examined along with the elected invention and commensurate in scope therewith." Thus, it appears to be the position of the Office that the Group VI restriction (comprising most of the method claims of the present application) will be withdrawn and recombined with any other elected Group, at least to the extent that these method claims read upon the elected Group. As the Applicants have elected Group I, the Group VI restriction should be withdrawn as it applies to the elected Group.

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Respectfully, the Applicants note that the Office has failed to restrict current claim 37 into any existing Group. Claim 37 is a method claim that depends from claim 36 (which is restricted into Group VI). Accordingly, it appears that if claim 37 is at all subject to the present restriction, it may be classified into Group VI. Clarification is respectfully requested. Importantly, the Applicants' comments with regard to the recombination of Group VI with elected Group I are equally applicable to claim 37.

Moreover, even though the Office has chosen to separate the claimed compounds and methods into six Groups, the patentability of each of the claimed compounds and methods is properly dependant on each claim as a whole, including all of its limitations.